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In re Application of
Atsuki Ishida et al.
Application No. 09/735,222
Filed: December 11, 2000
Attorney Docket No. FUJO116714

: DECISION GRANTING
: PETITION
: :
: :

This is a decision on the petition under 37 CFR 1.10(c) filed June 18, 2001, requesting that the above-identified application be accorded a filing date of December 11, 2000, rather than the presently accorded filing date of December 12, 2000.

Applicant alleges that the application was deposited in "Express Mail" service with the U.S. Postal Service, on December 11, 2000. In support, applicant provided a copy of the Express Mail label, receipt no. EL742871926US, showing a Date-In of December 11, 2000. The same Express Mail receipt number is noted on the original Application Transmittal Letter filed in the case. Applicant requests that the application be accorded a filing date of December 11, 2000.

The Office considers the date the paper or fee is shown to have been deposited as "Express Mail" to be the "Date In" on the Express Mail label, MPEP 513. That is the date that verifies that the package was actually mailed. In view of the above, the evidence is convincing that the application was deposited as "Express Mail" with the US Postal Service on December 11, 2000.

The petition is granted. A corrected Filing Receipt is enclosed.

The application is being returned to Technology Center AU 2152 for examination in due course.

Telephone inquiries specific to this matter should be directed to Wan Laymon at (703) 306-5685.

Sherry Brinkley
Sherry Brinkley
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

Enclosure: Corrected Filing Receipt